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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,344	12/09/2003	Walter Fleischmann	17240	3553
23389 7590 03/01/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER SAWHNEY, HARGOBIND S				
ART UNIT 2885		PAPER NUMBER		
MAIL DATE 03/01/2011		DELIVERY MODE PAPER		

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* WALTER FLEISCHMANN,  
MARKUS STOFFLER, and DIRK-ACHIM SCHEVARDO

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Appeal 2009-013384  
Application 10/731,344  
Technology Center 2800

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Before JOSEPH F. RUGGIERO, ALLEN R. MacDONALD, and  
MARC S. HOFF, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

## STATEMENT OF THE CASE

### *Introduction*

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1, 3, 7, 9-15, 17-23, and 25-27. Claims 2, 4-6, 8, 16, and 24 have been canceled. Claims 12-15 and 17-19 have been objected to for informalities.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

### *Exemplary Claim*

Exemplary independent claim 1 under appeal reads as follows:

1. A lighting system for the illumination of the interior of aircraft cabins, comprising an arrangement of light emitting diodes (8.1 - 8.5, 9.1 - 9.5, 10.1 - 10.5, 11.1 - 11.5) which are mounted selectively at or in a cabin wall or ceiling of said aircraft cabins to direct light to the interiors of said aircraft cabins, characterized in that there are provided a plurality of lighting units (4 - 7) which each have a plurality of light emitting diodes connected in series (8.1 - 8.5, 9.1 - 9.5, 10.1 - 10.5, 11.1 - 11.5), the light emitting diodes (8.1 - 8.5, 9.1 - 9.5, 10.1 - 10.5, 11.1 - 11.5) are actuatable by means of pulse width modulation so as to selectively represent flashing, twinkling color change or moving lights, a control device (1) which has a plurality of outputs (2.1 - 2.3), wherein lighting units (4 - 7) to be selectively actuated in various ways are connected to respectively different outputs (2.1 - 2.3) of said control device, and a plurality of regulating modules (12 - 15) are interposed between said control device and said lighting units, each of said regulating modules being connected to respectively one of the outputs (2.1 - 2.3) of said control device, each one of said regulating modules having an output connected to, respectively, a separate one of said lighting units, wherein actuation of the lighting units (4 - 7) is effected independently of each other through operation of the control device (1), each said regulating module (12 - 15) holding the current passing through the light emitting

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<sup>2</sup> Appellants seek our review of the Examiner's objection to claims 12-15 and 17-19 (Br. 7-8). We do not consider this objection herein, because claim objections are petitionable and not appealable. MPEP §§ 706.01, 1002.02(c), 1201 ("Board will not ordinarily hear a question that should be decided by the Director on petition"), 8<sup>th</sup> ed., rev. July 2008.

diodes (8.1 - 8.5, 9.1 - 9.5, 10.1 - 10.5, 11.1 - 11.5) of a therewith associated lighting unit (4 - 7) at a constant value.

*Examiner's Rejection*

The Examiner rejected claims 1, 3, 7, 9-15, 17-23, and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Alexanderson (US 6,871,981 B2) and Pross (US 6,396,466 B1).

*Appellants' Contentions*

Appellants contend (Br. 8-13) that the Examiner erred in rejecting claims 1, 3, 7, 9-15, 17-23, and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Alexanderson and Pross for a number of reasons, including: (1) Pross fails to describe independent actuation of LED chains/series, each LED chain/series having a regulating module; (2) there is no motivation to combine Pross with Alexanderson because Pross relates to automobiles and not aircraft; (3) Alexanderson fails to teach a basic lighting system which cannot selectively operate LEDs using separate regulating components to control the LEDs; (4) Alexanderson and Pross, whether taken singly or in combination, fail to teach or suggest using pulse width modulation to actuate LEDs with a central control device by regulating individual LED chains/series with constant current.

*Issue on Appeal*

Has the Examiner erred in rejecting claims 1, 3, 7, 9-15, 17-23, and 25-27 as being obvious over Alexanderson and Pross?

**ANALYSIS**

We have reviewed the Examiners' rejections in light of Appellants' arguments that the Examiner has erred.

We disagree with Appellants' above conclusion. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief. We concur with the conclusion reached by the Examiner.

#### CONCLUSIONS

(1) The Examiner did not err in rejecting claims 1, 3, 7, 9-15, 17-23, and 25-27 as being unpatentable under 35 U.S.C. § 103(a).

(2) Claims 1, 3, 7, 9-15, 17-23, and 25-27 are not patentable.

#### DECISION

The Examiner's rejection of claims 1, 3, 7, 9-15, 17-23, and 25-27 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

#### AFFIRMED

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